

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**CHARLIE DRAGO**  
**Plaintiff,**

**v.**

**JPMORGAN CHASE & CO.,**  
**Defendant.**

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**Civil Action No.** 5:21-cv-813

**EXHIBIT A: INDEX OF DOCUMENTS FILED IN THE STATE COURT ACTION**

<b>EXHIBIT NO.</b>	<b>DATE FILED</b>	<b>DESCRIPTION</b>
A-1	07/29/2021	Plaintiff's Original Petition
A-2	07/29/2021	Citation (JPMorgan Chase & Co.)
A-3	08/16/2021	Return of Service (JPMorgan Chase & Co.)
A-4	08/27/2021	JPMorgan Chase & Co.'s Original Answer
A-5	(to be filed)	Notice of Removal to State Court

# **EXHIBIT A-1**

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JUL 29 PM 3:14  
BEXAR COUNTY, TEXAS

Cause No.

31521003501

Charlie Drago

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In the Justice Court

*versus*

Precinct 3, Place 1

JPMorgan Chase & Co

Bexar County, Texas

Plaintiff's Original Petition

#### Discovery Level

1. Plaintiff intends to conduct discovery under Level 1 per Tex. R. Civ. P. 190.2.

#### Venue & Jurisdiction

2. Venue is proper in Bexar County, Texas as defendant's acts and omissions occurred here.
3. This Court has jurisdiction as the amount in controversy is within the Court's jurisdiction.

#### Parties

4. Plaintiff Charlie Drago is a natural person who resides in the City of San Antonio, Bexar County, Texas.
5. Defendant JPMorgan Chase & Co ("Chase") is a Delaware limited liability company whose mailing address is 4 New York Plaza Floor 22 New York, NY

10004-2413. It may be served via C T Corporation System., 1999 Bryan St., Ste. 900 Dallas, TX 75201 its registered agent, at the same address.

#### Facts

6. This is an action for actual damages, statutory damages, and attorney fees for violation of the Fair Credit Billing Act (part of the Truth in Lending Act), 15 U.S.C. § 1666 and Regulation Z issued thereunder.
7. At all times relevant hereto, defendant, in the ordinary course of business, regularly extended open-end consumer credit, pursuant to a credit agreement, on which defendant assessed finance charges.
8. Beginning with the periodic statement in March 2020 charges from various retailers began appearing on plaintiff's Chase statement.
9. Plaintiff did not make those charges.
10. Within sixty days after transmission of the statement, plaintiff sent and defendant received a notice disputing the charges to defendant at the address stated on the periodic statement.
11. Since defendant did not, within thirty days after receiving plaintiff's notice, investigate and correct or explain the charge, defendant was required by 15 U.S.C. § 1666(a)(3)(A) to send plaintiff a written acknowledgement of its receipt of plaintiff's notice within that period. Defendant failed to conduct a reasonable investigation.

12. Defendant did not, within two complete billing cycles after receipt of the notice, either correct the error and transmit to plaintiff a notification of the corrections or investigate the error and send plaintiff a written explanation.
13. Despite its receipt of plaintiff's billing error notice, and before meeting the requirements of 15 U.S.C. § 1666 to either correct the error or investigate and send an explanation of the charges, defendant took action to collect the disputed amount by calling plaintiff and sending plaintiff notices demanding payment.
14. Defendant's actions caused plaintiff actual damages as follows: he paid for charges that he did not make.
15. Defendant's actions were part of a pattern or practice of failure to comply with its obligations under the Fair Credit Billing Act.

#### **Cause of Action – Fair Credit Billing Act**

16. The Fair Credit Billing Act (FCBA) can be found in 15 U.S.C. § 1666. It requires credit card issuers perform a reasonable investigation when a card holder disputes transactions.
17. Drago provided sufficient information to Chase to enable them to dispute the charges.
18. Chase, instead of performing a reasonable investigation as required by the FCBA, replied with form letters after conducting an insufficient dispute.
19. Drago, instead of repeatedly disputing the same transactions, paid them. This totaled approximately \$15,000 in charges that he did not make.

20. Chase violated the FCBA in that it failed to conduct a reasonable investigation as required by Regulation Z § 1026.13(f).

21. Chase's failure to conduct a reasonable investigation cost Drago approximately \$15,000.

#### **Second Cause of Action - Negligence**

22. Chase owed Drago a duty to perform a reasonable investigation.

23. Chase breached that duty by performing an negligent investigation.

24. Chase's negligent investigation caused Chase to deny Drago's disputes.

25. But-for Chases negligent investigation Drago would not have paid approximately \$15,000 that he did not owe.

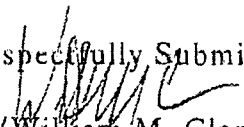
#### **Prayer**

Plaintiff prays, that this Court enter judgment against Defendant and in favor of Plaintiff for:

- a. Actual damages;
- b. Statutory damages in the amount of double the finance charge, pursuant to 15 U.S.C. § 1640(a)(2), with a minimum award of \$500 and a maximum award of \$5,000, or such higher amount as may be appropriate in light of the Defendant's pattern or practice of noncompliance;

- c. Pursuant to 15 U.S.C. § 1666(e), an order requiring Defendant to refund Drago's payment;
- d. An order requiring Defendant to credit Plaintiff with the disputed amount and related finance charge or other charges;
- e. Costs and attorney fees;
- f. Such other relief as the Court deems proper

Respectfully Submitted,

  
/s/ William M. Clanton  
William M. Clanton  
Texas Bar No. 24049436

Law Office of Bill Clanton, P.C.  
926 Chulie Dr.  
San Antonio, Texas 78216  
210 226 0800  
210 338 8660 fax  
[bill@clantonlawoffice.com](mailto:bill@clantonlawoffice.com)

# **EXHIBIT A-2**



PRIVATE PROCESS  
THE STATE OF TEXAS

No. 31S2100354

CHARLIE DRAGO  
Plaintiff(s)

VS.

JPMORGAN CHASE & CO  
Defendant(s)

In the Justice Court  
BEXAR PRECINCT 3,  
Place 1  
Bexar County, Texas

## SMALL CLAIMS/DEBT CLAIM CASE CITATION

THE STATE OF TEXAS TO JPMORGAN CHASE & CO, DEFENDANT, in the hereinafter-styled and numbered cause.

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14<sup>th</sup> day after the day you were served with these papers. If the 14<sup>th</sup> day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14<sup>th</sup> day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on 29th day of July, 2021.

The plaintiff's attorney's name and address, or the plaintiff's address, if they have no attorney, are: WILLIAM M. CLANTON, whose address is 926 CHULIE DR. SAN ANTONIO TEXAS 78216, Bexar County, Texas. If plaintiff has no attorney, plaintiff's address is -. Your answer may be filed with this court, located at 320 Interpark Blvd, San Antonio, TX 78216.

ISSUED this 29th day of July, 2021



By:

JEFF WENTWORTH  
JUDGE JEFF WENTWORTH  
Justice Court BEXAR PRECINCT 3, Place 1  
320 Interpark Blvd  
San Antonio, TX 78216-  
Phone: 210-335-4700

Clerk/Judge

CHARLIE DRAGO  
Plaintiff

## PRIVATE PROCESS

JPMORGAN CHASE & CO  
 SERVE: CT CORPORATION SYSTEM  
 H: 1999 BRYAN ST., STE. 900  
 DALLAS TEXAS 75201



Cause No. 31S2100354



In the JUSTICE COURT of  
 Bexar County, Texas  
 BEXAR PRECINCT 3, Place 1

## SMALL CLAIMS/DEBT CLAIM CASE CITATION

CHARLIE DRAGO

VS.  
 JPMORGAN CHASE & CO

Came to hand \_\_\_\_\_ day of \_\_\_\_\_  
 \_\_\_\_\_ A.D. 20 \_\_\_\_\_, at \_\_\_\_\_  
 \_\_\_\_\_ o'clock \_\_\_\_\_ M., and executed on  
 the \_\_\_\_\_ day of \_\_\_\_\_  
 20 \_\_\_\_\_ o'clock, \_\_\_\_\_ M.  
 by delivering to: \_\_\_\_\_

in person a true copy of this citation.  
 Private Process

Non-Peace Officer Verification

Verification of return (if not served by peace officer)

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

By: \_\_\_\_\_ Server  
 Notary Public, State of Texas

DATE STAMP AND TIME: 7/29/2021 3:22:26 PM

Date:	Time:	Officer's Remarks



**COVID-19 BEXAR COUNTY COURTS'  
VULNERABLE POPULATIONS NOTICE**

Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations and at higher risk of developing complications from contracting COVID-19.

The courts of Bexar County recognize the need for accommodations for individuals who are in this population and have a scheduled court appearance. Therefore, if you are an individual described by the CDC as part of a vulnerable population, the courts will accommodate your court setting by allowing the opportunity to appear for hearings remotely or, in the alternative, provide a continuance upon notice and good cause to the court in advance of the scheduled hearing date.

June 2020



**AVISO DE LOS TRIBUNALES DEL CONDADO DE BEXAR  
A LAS POBLACIONES VULNERABLES ACERCA DE COVID-19**

Los individuos mayores de 65 años de edad e individuos con condiciones graves de salud tales como presión arterial alta, enfermedad pulmonar crónica, diabetes, obesidad, asma y aquellos cuyos sistemas inmunológicos están comprometidos tales como quimioterapia para cáncer u otras enfermedades que requieren de tal terapia, son considerados como poblaciones vulnerables y con un riesgo mayor de desarrollar complicaciones si contraen COVID-19.

Los tribunales del Condado de Bexar reconocen la necesidad de hacer adaptaciones para las personas que forman parte de esta población y que tienen programada una comparecencia ante el tribunal. Por lo tanto, si usted es una persona que forma parte de una población vulnerable tal como lo describe la CDC, los tribunales harán adaptaciones para su fecha programada permitiéndole comparecer a las audiencias por vía remota o, como alternativa, otorgar un aplazamiento previo aviso a la fecha programada de la audiencia, proporcionando al tribunal una causa justificable.

Junio de 2020



**JUSTICE OF THE PEACE COURT, PRECINCT 3  
BEXAR COUNTY, TEXAS**

**DUE TO THE CURRENT STATE OF THE COVID-19 EMERGENCY, THE FOLLOWING PROCEDURES  
WILL TAKE PLACE FOR ALL COURT HEARINGS:**

Please inform the court in writing if you are a member of a vulnerable population and/or desire to request to appear through teleconferencing, video conferencing, or other means.

Contact: Justice of the Peace, Pct. 3  
320 Interpark Blvd.  
San Antonio, TX 78216  
Email: [JP3@bexar.org](mailto:JP3@bexar.org)  
Phone: 210-335-4700

Regardless of how you are appearing, you must provide the court with a valid telephone number and alternate telephone number before the scheduled court date.

**APPEARANCE VIA ZOOM:**

To appear by Zoom you will need either a smart phone or a PC/MACINTOSH/ANDROID device with a camera/webcam and microphone. You will need to download the Zoom App to your device before the scheduled meeting. Once you have downloaded the App you are ready to participate. On the date of the hearing you will receive a telephone call from the court with a meeting ID number. On the App you will need to select "Join a Meeting" and then enter the meeting ID number you have been given by the court. If you have any questions about setting up this process, please call the court for assistance at (210) 335-4700. Email: [JP3@bexar.org](mailto:JP3@bexar.org)

**APPEARANCE VIA TELEPHONE:**

To appear by telephone, you will receive a call from the court shortly before your scheduled hearing. You will be given a telephone number which you must call along with a meeting ID number. Call the number given to you by the court and enter the meeting ID number to join the meeting. If you have any questions about setting up this procedure, please call the court for assistance at (210) 335-4700. Email: [JP3@bexar.org](mailto:JP3@bexar.org)

**APPEARANCE IN COURT:**

If you are unable to participate by either of the above methods, you may appear at Justice of the Peace, Precinct 3, at 320 Interpark Blvd., San Antonio, Texas 78216. **PLEASE NOTE** that if you have been in contact with someone who has been diagnosed with COVID-19, if you have been outside of the state in the last 14 days, if you are exhibiting COVID-19 symptoms or if you have a temperature in excess of 100, you will not be allowed entry to the building.

**FAILURE TO APPEAR BY ONE OF THE ABOVE METHODS (INCLUDING FAILURE TO ANSWER YOUR TELEPHONE FOR YOUR INSTRUCTIONS TO PARTICIPATE) FOR YOUR SCHEDULED HEARING MAY RESULT IN YOUR CASE BEING DISMISSED OR A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU.**

**THANK YOU FOR YOUR UNDERSTANDING DURING THIS TIME OF CRISIS.**

**JUDGE JEFF WENTWORTH**

# **EXHIBIT A-3**

JUSTICE COURT, PCT. 3  
BEXAR COUNTY, TEXAS  
**RETURN OF SERVICE**

2021 AUG 24 AM 8:00

State of Texas

County of BEXAR

Precinct 3, Place 1 Justice Court

Case Number: 31C2100354

Plaintiff:  
**CHARLIE DRAGO**

vs.

Defendant:  
**JPMORGAN CHASE & CO**

Received by Tony Hitt on the 13th day of August, 2021 at 3:00 pm to be served on **JPMORGAN CHASE & CO BY SERVING REGISTERED AGENT: CT CORPORATION SYSTEM, 1999 BRYAN ST, STE 900, DALLAS, TX 75201.**

I, Tony Hitt, do hereby affirm that on the **16th day of August, 2021 at 12:55 pm, I:**

served a **REGISTERED AGENT** by delivering a true copy of the **CITATION / PLAINTIFF'S ORIGINAL PETITION** with the date and hour of service endorsed thereon by me, to: **LaToya Sterns, Intake Specialist for CT Corporation System as Registered Agent** at the address of: **1999 Bryan St, Ste 900, Dallas, TX 75201** on behalf of **JPMORGAN CHASE & CO**, and informed said person of the contents therein, in compliance with state statutes.

"My name is Tony Hitt my date of birth is 3/16/1960 and my address is 4313 Woodbluff Dr Mesquite, TX 75150. I declare under penalty of perjury that the foregoing is true and correct. Executed in Dallas County, State of Texas on August 16, 2021 by Tony Hitt declarant."



**Tony Hitt**  
PSC-11703 Exp. 11/30/22

**Pronto Process**  
**1406 W Salinas**  
**San Antonio, TX 78207**  
**(210) 226-7192**

Our Job Serial Number: BBW-2021008444

# **EXHIBIT A-4**

**CAUSE NO. 31S2100354**

**CHARLIE DRAGO,**  
**Plaintiff,**

**vs.**

**JPMORGAN CHASE & CO.,**  
**Defendant.**

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**IN THE JUSTICE COURT**

**PRECINCT 3, PLACE 1**

**BEXAR COUNTY, TEXAS**

**DEFENDANT JPMORGAN CHASE & CO.'S ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, JPMorgan Chase & Co. ("JPMC") files this Original Answer in response to Plaintiff's Original Petition, and in support thereof, would show the following:

**I.**  
**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, JPMC denies each and every, all and singular, of the material allegations in Plaintiff's Original Petition, and demands strict proof thereof.

**II.**  
**AFFIRMATIVE DEFENSES**

1. Plaintiff's claims arise out of disputed charges in his Chase credit card account. However, JPMC is a holding company and is not the entity responsible for the issuing or servicing of the credit card account within which Plaintiff's disputed charges occurred. Thus, Plaintiff's claims are barred, in whole or in part, because he has sued the incorrect entity.

2. Plaintiff's claims have no basis in law or fact and Plaintiff fails to state a claim against JPMC upon which relief can be granted.

3. Plaintiff's claims are barred, in whole or in part, by Plaintiff's own conduct, failure to act, negligence, or carelessness that caused the alleged loss.



4. Plaintiff's damages, if any, are attributable to the negligence or unlawful conduct of persons and/or one or more responsible third party other than JPMC.

5. Plaintiff's recovery is limited by Plaintiff's failure to mitigate his damages, if any.

6. Plaintiff's claims are barred, in whole or in part, by Plaintiff's actual or constructive knowledge of any allegedly concealed facts.

7. Plaintiff's claims are barred, in whole or in part, by consent, estoppel, ratification, justification, acquiescence, and/or waiver.

8. Plaintiff authorized, through actual, apparent and/or implied authority, the disputed credit card charges.

9. Plaintiff is responsible for the disputed credit card charges pursuant to the terms and conditions governing the credit card.

JPMC reserve the right to assert additional affirmative defenses in the event discovery indicates that they would be appropriate.

WHEREFORE, for the foregoing reasons, Defendant JPMorgan Chase & Co. respectfully request that Plaintiff take nothing by this action, and that JPMorgan Chase & Co. have such other and further relief, at law and in equity, general and specific, to which it may be entitled.

Respectfully submitted,

By: /s/ Christopher Bankler  
Christopher Bankler  
State Bar No. 24066754  
cbankler@jw.com

**JACKSON WALKER L.L.P.**  
2323 Ross Avenue, Suite 600  
Dallas, Texas 75201  
(214) 953-6000  
(214) 953-5822 - Fax

**ATTORNEY FOR DEFENDANT  
JPMORGAN CHASE & CO.**

**CERTIFICATE OF SERVICE**

This is to certify that on August 27, 2021, a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure upon:

William M. Clanton  
Law Offices of Bill Clanton, P.C.  
926 Chulie Dr.  
San Antonio, Texas 78216  
bill@clantonlawoffice.com

/s/ Christopher Bankler  
Christopher Bankler

# **EXHIBIT A-5**

**CAUSE NO. 31S2100354**

<b>CHARLIE DRAGO,</b>	§	<b>IN THE JUSTICE COURT</b>
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>PRECINCT 3, PLACE 1</b>
	§	
<b>JPMORGAN CHASE &amp; CO.,</b>	§	
<b>Defendant.</b>	§	<b>BEXAR COUNTY, TEXAS</b>

**NOTICE OF REMOVAL TO STATE COURT**

Defendant JPMorgan Chase & Co. files this Notice of Removal to State Court as follows:

Pursuant to 28 U.S.C. § 1446(d), notice is hereby given of the removal of the above-captioned action from this court to the United States District Court for the Western District of Texas, San Antonio Division. A copy of the Notice of Removal filed in the United States District Court is attached hereto as Exhibit A.

Respectfully submitted,

By: /s/ Christopher Bankler

Christopher Bankler

State Bar No. 24066754

cbankler@jw.com

**JACKSON WALKER L.L.P.**

2323 Ross Avenue, Suite 6000

Dallas, Texas 75201

(214) 953-6000

(214) 953-5822 - Fax

**ATTORNEY FOR DEFENDANT**

**JPMORGAN CHASE & CO..**